

## LISTING OF THE CLAIMS

The following listing of the claims is provided for convenience. No amendments to the claims are made in this paper.

### **Claims:**

1. (Previously Presented) A nucleic acid present in other than its natural environment having a sequence identity of at least 95% with SEQ ID NO:17, wherein said nucleic acid encodes a chromo- or fluorescent protein.
2. (Previously Presented) The nucleic acid according to Claim 1, wherein said nucleic acid has a sequence of SEQ ID NO:17.
- 3.-8. (Canceled)
9. (Previously Presented) A construct comprising a vector and the nucleic acid according to Claim 1.
10. (Previously Presented) An expression cassette comprising:
  - (a) a transcriptional initiation region functional in an expression host;
  - (b) the nucleic acid according to Claim 1; and
  - (c) and a transcriptional termination region functional in said expression host.
11. (Previously Presented) A cell, or the progeny thereof, comprising the expression cassette according to Claim 10 as part of an extrachromosomal element or integrated into the genome of a host cell as a result of introduction of said expression cassette into said host cell.
- 12.-18. (Canceled)

19. (Previously Presented) A kit comprising the nucleic acid according to Claim 1 and instructions for using said nucleic acid.

20. (Previously Presented) The nucleic acid according to Claim 1, wherein said nucleic acid is isolated.

21. (Previously Presented) The nucleic acid according to Claim 1, wherein said protein has an absorbance maximum ranging from about 300 to 700 nm.

22. (Previously Presented) The nucleic acid according to Claim 1, wherein said protein has an absorbance maximum ranging from about 350 to 650 nm.

23. (Previously Presented) The nucleic acid according to Claim 1, wherein said protein has an absorbance maximum ranging from about 400 to 600 nm.

24. (Previously Presented) The nucleic acid according to Claim 1, wherein said protein has an excitation spectrum ranging from about 300 to 700 nm and an emission spectrum ranging from about 400 to 800 nm.